

## Message Text

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ACTION AF-08

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USIA-06 DHA-02 AID-05 IGA-02 TRSE-00 OMB-01 EB-08

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FM AMEMBASSY GABORONE

TO SECSTATE WASHDC PRIORITY 9678

INFO AMEMBASSY MASERU

C O N F I D E N T I A L GABORONE 0722

E.O. 11652: GDS

TAGS: SHUM, PFOR, LT

SUBJECT: HUMAN RIGHTS

REF: A. STATE 060208, B. MASERU 0349

1. SUMMARY: OFFICIAL HARDLINE GOL REACTION TO THE REPORT ON HUMAN RIGHTS IN LESOTHO (TRANSMITTED AS INSTRUCTED STATE 046674) IS CORRECTLY REFLECTED IN REF B DESCRIPTION OF MARCH 14 MEETING WITH LESOTHO FOREIGN MINISTER C.D. MOLAPO AND MIN INFO LEROTHOLI. THIS MESSAGE OUTLINES UNOFFICIAL, RATHER CONCILIATORY VIEWS OF LEROTHOLI AND SEVERAL WELL-PLACE GOL WORKING LEVEL OFFICIALS. THE CONCLUSION IS THAT WE HAVE REASON TO BELIEVE THAT NET EFFECT OF HUMAN RIGHTS REPORT ON US-GOL RELATIONS CAN BE POSITIVE.

ACTION REQUESTED: PROMPT AMENDMENT OF HR REPORT ON LESOTHO, AS RECOMMENDED REF B, TO MAKE IT CONFORM MORE CLOSELY TO PRESENT SITUATION IN THE COUNTRY. END SUMMARY.

2. OFFICIAL GOL REACTION. FONMIN C.D. MOLAPO, A SKILLED LAWYER BY PROFESSION, HAD AN EASY TARGET IN THE LESOTHO HR REPORT WITH ITS SWEEPING, OFTEN UNSUPPORTED GENERALIZATIONS, FEW OF WHICH WOULD HAVE WITHSTOOD THE CAREFUL SCRUTINY THEY WOULD HAVE RECEIVED IF  
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PUBLIC RELEASE HAD BEEN ANTICIPATE. (IN THIS CONNECTION IT SHOULD BE NOTED THAT ANALYSIS OF HUMAN RIGHTS IS A DIFFICULT, TIME-COMSUMING TASK IN COUNTRIES WITH HISTORY OF INSTABILITY. SUCH ANALYSIS FALLS INTO REALM OF INTERNATL AFFAIRS AND COMESTIC POLITICAL REPORTING AND, AS SUCH, IS THE AREA MOST AFFECTED BY PERSONNEL CUTS IN RECENT YEARS). MANY OF FONMIN MOLAPO'S COMMENTS ARE DEBATERS' POINTS THAT SHOULD (AND COULD BE DENIED

HIM BY AMENDING THE REPORT AS PROPOSED REF B. SUCH CHANGES WOULD NOT SIGNIFICANTLY AFFECT SUBSTANCE OF THE REPORT, WHICH PORTRAYS LESOTHO AS RULED UNDER EXTRA-CONSTITUTIONAL MEASURES BUT STRIVING TO OVERCOME THE EFFECTS OF WHAT WAS REGARDED AS A SERIOUS INTERNAL THREAT. IT ALSO SHOWS THAT LESOTHO HAS RETAINED AN INDEPENDENT JUDICIARY AND IS MOVING TOWARD RESTORATION OF THE CONSTITUTION. AS NOTED REF B, GOL'S PRINCIPAL CONCERNS WERE UNSTATED BY MOLAPO, NAMELY THAT SOUTH AFRICA MAY SEEK TO EXPLOIT THE REPORT TO DETRIMENT OF LESOTHO'S REPUTATION WHICH IS CURRENTLY AS A COUNTRY DESERVING OF INTERNATIONAL ECONOMIC ASSISTANCE (BEING RECOMMENDED BY FARAH MISSION) FOR ITS STAND AGAINST APARTHEID AND TRANSKEI.

ACTION REQUESTED: PROMPT AMENDMENT OF HR REPORT ON LESOTHO TO BRING IT INTO LINE WITH FACTS AND THEREBY MINIMIZE POSSIBILITIES OF SAG TAKING ADVANTAGE OF GOL.

3. UNOFFICIAL REACTIONS. HR REPORT ON LESOTHO HAS IN FACT ALREADY PRODUCED SOME HEALTHY SPINOFF: (A) GOL OFFICIALS HAVE BEEN MADE AWARE THAT, AS RESULT OF PUBLICITY GIVEN THE REPORT BY U.S., HUMAN RIGHTS SITUATION WITHIN A SMALL COUNTRY SUCH AS LESOTHO IS NEVERTHELESS OF INTEREST AND CONCERN BEYOND LESOTHO'S BORDERS; (B) POSSIBLE RELATION OF HR TO AID ELIGIBILITY, IN WHICH CONTEXT THE SUBJECT HAS BEEN RAISED, PROVIDES INCENTIVE FOR GOL TO IMPROVE (AND IMPOSSIBLE FOR THEM TO IGNORE) THEIR REPUTATION IN FIELD OF HUMAN RIGHTS; (C) UNANIMOUS REACTION OF GOL OFFICIALS SO FAR HAS BEEN TO INVITE US TO EXAMINE LESOTHO'S CONSTITUTIONAL PROBLEMS AND STATUS OF CIVIL RIGHTS IN THE FIRM BELIEF THAT GOL ACTIONS HAVE BEEN JUSTIFIED. NO ONE HAS TRIED TO CONCEAL OR  
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COVER UP THE PAST; (D) GOL HAS SHOWN A CORRESPONDING WILLINGNESS TO AIR ISSUES OPENLY, E.G. I HAVE BEEN SPECIFICALLY INVITED TO INTERVIEW OPPOSITION POLITICIANS IN LESOTHO AND ABROAD (AN OFFER I HAVE NOT TAKEN UP). IN BRIEF, THE SUBJECT OF CONSTITUTIONAL AND HUMAN RIGHTS HAS BEEN BROUGHT OUT OF THE SHADOWS AND INTO FULL LIGHT OF DAY -- TO THE EXTENT WE WANT TO GO INTO IT.

4. IN SUPPORT OF THE ABOVE VIEW THAT THERE HAS ALREADY BEEN A HEALTHY SPINOFF, I WOULD NOTE THREE POINTS: FIRST, MIN INFO LEROTHOLI, WHO PARTICIPATED IN MARCH 14 MEETING, TRIED TO TELEPHONE ME SAME EVENING (I WAS OUT) AND FINALLY REACHED ME AT 7:00 AM THE NEXT MORNING TO SAY HE APPRECIATED ADVANCE COPY OF HR REPORT WHICH HE HAD SHOWN TO PRIMIN JONATHAN. LEROTHOLI SAID HE URGED PRIMIN TO AUTHORIZE GOL 59 "PROVIDE FULL INFORMATION" TO US, AND SAID HE CHARACTERIZED EMBASSY ACTION AS "SHOWING SINCERE GOOD WILL" WHICH SHOULD BE RECIPROCATED. PRIMIN REPORTEDLY AGREED. LEROTHOLI ADDED ON PERSONAL BASIS THAT HE HAD "LEARNED A GREAT DEAL" ABOUT HOW GOLD WAS VIEWED FROM ABROAD AND HAD GIVEN ORDERS TO HIS STAFF TO ORGANIZE A MEDIA

CAMPAIGN TO RECTIFY ITS IMAGE. HE CONCLUDED THAT GOL-US RELATIONS COULD BE STRENGTHENED AS A RESULT OF THE REPORT AND WELCOMED U.S. CONCERN FOR HUMAN RIGHTS IN THE WORLD. THIS PROVIDED OPPORTUNITY FOR ME IN TURN TO EXPRESS HOPE FOR POSITIVE GOL ATTITUDE AND FOLLOW-THROUGH ON ABOLISHING DETENTION LAW WHICH LEROITHOLI HAD HIMSELF NOTED WAS NO LONGER USED.

5. A SECOND FAVORABLE REACTION WAS INITIATIVE OF DEPARTING ATTORNEY GENERAL OF LESOTHO (AN AUSTRALIAN NATIONAL, DAVID MITCHELL) IN SEEKING ME OUT FOR HOUR'S DISCUSSION MARCH 14. HIS PRINCIPAL POINT WAS THAT THERE ARE VIGOROUS AND VOCLA (ALTHOUGH PRESENTLY DISORGANIZED) POLITICAL OPPOSITION LEADERS IN LESOTHO AND THAT I SHOULD NOT HESITATE TO GET IN TOUCH WITH THEM, EITHER IN COUNTRY OR ABROAD. HE ASSURED ME HE SPOKE WITH AUTHORITY, NOTING THAT SOME OF HIS BEST FRIENDS WERE OPPOSITION LAWYERS. MITCHELL, WHO HAS BEEN IN IMPORTANT ATTORNEY GENERAL POST FOR TWO YEARS, ALSO SHOWED ME A RECENT TWENTY-PAGE ESSAY  
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COMMENTING ON THE CONSTITUTIONALITY OF GOL ACTIONS SINCE 1970. NOT SURPRISINGLY, HE CONCLUDES GOLD HAS ACTED LEGALLY; HOWEVER ONE MAY FEEL, HIS ARGUMENTS ARE THOROUGHLY STUDIED AND WOULD BE DIFFICULT TO REFUTE.

6. FINALLY, SEVERAL GOL WORKING LEVEL OFFICIALS HAVE PRIVATELY TOLD EMBASSY MASERU OFFICERS OF THEIR HOPES THAT U.S. ACTION IN HR FIELD MIGHT HELP ACCELERATE RESTORATION OF FULL CIVIL LIBERTIES IN LESOTHO AS WELL AS THEIR EXPECTATION THAT REPEAL OF DETENTION LAW WOULD BE FIRST STEP IN THE PROCESS. ONE RANKING MFA OFFICIAL EXPRESSED DISAPPOINTMENT THAT FONMIN MOLAPO HAD NOT TOLD US MARCH 14 OF GOL PLANS FOR SUCH REPEAL. IN ADDITION, AG MINISTER KOTSOKOANE WENT OUT OF HIS WAY TO REFLECT AWARENESS AND APPROVAL OF RECENT U.S. EMPHASIS ON HUMAN RIGHTS.

7. COMMENT: THE CHILL IN US-GOL RELATIONS FOLLOWING ISSUANCE OF HR REPORT CAN BE KEPT BRIEF AND COULD LEAD TO A MORE POLITICALLY STABLE LESOTHO IN A WAY THAT WOULD COMPENSATE FOR THE CURRENT DISCOMFORT. A FIRST KEY STEP IS TO SHOW OUR GOOD WILL AND CONCERN FOR FACTS BY AMENDING THE REPORT AS RECOMMENDED REF B, SECOND, WE SHOULD SHOW THAT OUR INTEREST IN HUMAN RIGHTS IS NOT A PASSING FANCY BUT IS SINCERE AND SERIOUS, IN WHICH CASE WE HAVE AN OBLIGATION TO FOLLOW UP ON MAJOR ASPECTS OF HR IN CONTACTS WITH GOVERNMENT AND OPPOSITION. THIS RAISES ONE PAINFULLY CLEAR POINT, NAMELY THAT TO HAVE THE DESIRED EFFECT ON A HOST GOVERNMENT IT IS ESSENTIAL THAT COMMENTS ON HUMAN RIGHTS BE FACTUAL AND FULLY INFORMED. THIS MEANS INVESTING NECESSARY RESOURCES TO CARRY OUT THE TASK. IN THE CASE OF LESOTHO, OUR POLICY OBJECTIVES OF STRENGTHENING A NON-RACIAL, BLACK MAJORITY-RULED COUNTRY SITUATED IN THE UNDERBELLY OF APARTHEID-RIDDEN SOUTH AFRICA WOULD SEEM TO JUSTIFY SUCH AN

INVESTMENT.

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